 <p style="text-align: center;">Department of Corrections</p> <p style="text-align: center;">ADMINISTRATIVE BULLETIN</p> <p style="text-align: center;">Subject: EQUAL EMPLOYMENT OPPORTUNITY POLICY</p>	<p>Number:</p> <p style="text-align: center;">02/01</p>
	<p>Date Issued:</p> <p style="text-align: center;">May 13, 2002</p>
	<p>Cancelled Effective:</p>

Policy

The California Department of Corrections (CDC) is committed to providing a workplace in which all individuals are treated with respect and professionalism. Consistent with this commitment, it is the policy of CDC to provide Equal Employment Opportunity (EEO) for all employees and applicants for employment. Under this policy, CDC employees are prohibited from:

- Discriminating against or harassing anyone on the basis of race, color, national origin, ancestry, sex (i.e., gender), religion, marital status, age, disability, medical condition, pregnancy, childbirth and related medical conditions, sexual orientation, veteran status, or political affiliation, or any other basis protected by State or federal law or local ordinance. This includes a perception that the person has any of these characteristics or that the person is associated with a person who has or is perceived to have any of these characteristics.
- Engaging in any act of retaliation or reprisal against individuals who have opposed any practices forbidden in this policy or because the person has filed a complaint, testified, or assisted in any discrimination investigation or proceeding.
- Conduct that may not rise to the level of unlawful discrimination, harassment or retaliation in violation of Title VII of the Civil Rights Act of 1964 or the California Fair Employment and Housing Act but constitutes discourteous, disrespectful, or inappropriate behavior.

The CDC is dedicated to ensuring the fulfillment of this policy with respect to all aspects of employment, including recruiting, hiring, placement, promotion, transfer, adverse action, demotion, termination, pay and other forms of compensation, training, and general treatment during employment.


Because all forms of harassment and discrimination are unprofessional and disrespectful, and may damage an individual's career and well being, CDC will strictly enforce this policy. To the extent that non-CDC employees exhibit the above behaviors, including, but not limited to, volunteers, interns, applicants for employment, contractors and other third parties, CDC will apply the principles of this policy. In addition, CDC will take whatever action is necessary to implement consequences for violations of this policy by non-CDC employees.

Purpose

The purpose of this Administrative Bulletin (AB) is to provide staff with the revised policy on EEO.

Conduct that Violates the Equal Employment Opportunity Policy

An employee can be found to be in violation of this policy if his or her conduct discriminates against or harasses a coworker based on race, color, national origin, ancestry, sex, religion, marital status, age, disability, medical condition, pregnancy, childbirth and related medical

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conditions, sexual orientation, veteran status, or political affiliation, or any other basis protected by State or federal law or local ordinance even if the discriminatory conduct is limited to one act. Prohibited discriminatory or harassing behaviors that violate this policy include, but are not limited to, the following:


- Verbal conduct, such as using derogatory terms or telling discriminatory jokes.
- Visual conduct such as displaying objects, cartoons, pictures, or posters of a derogatory or discriminatory nature.
- Posting, sending, or downloading derogatory or demeaning materials in any form via electronic mail or the Internet.
- Denial of reasonable accommodation for religious purposes.
- Failure to reasonably accommodate a qualified individual with a disability.
- Treatment of any individual differently (including, excluding him or her by giving preferential treatment to another) or any basis protected by State, federal, or local ordinances.
- Giving preferential treatment to an individual associated with a particular religious affiliation, or any other basis protected by State or federal law or local ordinance.
- Any touching, assault, or battery of a sexual nature.
- Following or stalking a coworker, making harassing telephone calls to a coworker, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mail, interoffice mail, facsimile, or computer email.

Prohibited retaliation includes, but is not limited to, taking any negative employment action against or harassment of an employee or applicant, because he or she made a charge, testified, assisted, or participated in an investigation, proceeding or hearing relating to conduct reasonably believed to violate this policy or to constitute discrimination or harassment; or otherwise opposed conduct prohibited by this policy.

Responsibilities of Supervisors and Managers

Supervisors and managers are responsible for maintaining standards that promote a work environment free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct. Managers and supervisors must:

- Adhere to and enforce this policy.
- Regardless of how and where the information is presented to the supervisor/manager (e.g., at the work location or off-site, in person or by telephone, etc., the supervisor must take

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immediate and appropriate corrective action to stop the conduct that violates this policy (regardless of the employee's desire to keep the issue confidential).

- Take pro-active steps to prevent unprofessional or disrespectful conduct.
- Ensure that employees under their supervision and management have received a copy of this policy and attend mandated training.
- Advise their employees of their rights and of the process for filing an EEO complaint.
- Notify verbally his or her direct supervisor and the local EEO Coordinator, immediately upon becoming aware of conduct that may violate this policy.
- Document the discussion with the employee and submit it in writing to the EEO Coordinator within five working days from the date that the employee informed the supervisor of the violation.

Consequences

Failure by a supervisor or manager to adhere to the above responsibilities, will result in appropriate corrective and/or disciplinary action, up to and including termination from State service, regardless of job level or classification.

Responsibilities of Employees


All CDC employees must:

- Adhere to this policy.
- Refrain from engaging in, condoning, tolerating, or leaving uncorrected conduct that violates this policy.
- Report any violations of this policy by making a formal complaint or informal report as described below.
- Cooperate with any investigation regarding a violation of this policy.
- Attend training as mandated by the Director.

It should be understood that failure to utilize CDC's internal procedures to report violations of this policy would hinder CDC's ability to correct any violation.

Consequences

Any employee who is found to have violated this policy, even if such conduct does not violate State or federal law, will be subject to appropriate corrective and/or disciplinary action, up to and including termination from State service, regardless of job level or classification. In addition, individuals may be held personally liable for their conduct.

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The Complaint Process

Informal Report

If an employee believes that a violation of this policy has occurred, he or she must (unless he or she is filing a formal complaint) make an informal report of this violation to his or her supervisor, an EEO Counselor, the local EEO Coordinator, or any other CDC supervisor or manager. The individual to whom the violation has been reported will take the necessary and appropriate action to assist the employee in resolving the immediate need to prevent any further violations, and to ensure appropriate consequences for the past violation(s).

Formal Complaints

If an employee is not satisfied with the results of the informal process or decides to bypass the informal process, a formal discrimination complaint must be filed in writing (either via a CDC Form 693, Discrimination Complaint Guide, or memorandum) with the local EEO Coordinator, or the Discrimination Investigation Unit. An employee may also file a formal complaint by calling the EEO hotline at 1-800-272-1408.

No employee is required to contact his or her direct supervisor to report conduct believed to be in violation of this policy. An individual seeking to report a violation of this policy may utilize any of the above listed options.

Note: An employee is not required to confront the person(s) engaged in the conduct believed to be in violation of this policy at any time before or after filing a complaint.

Please inform all concerned persons of this AB, which shall remain in effect until incorporated into Department Operations Manual, Chapter 3, Article 1, Equal Employment Opportunity. Any inquiries regarding this bulletin should be directed to Marilyn Pearman, Assistant Director, EEO, at (916) 323-1283.

EDWARD S. ALAMEIDA, JR.
 Director
 Department of Corrections